

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**RECEIVED**

BY \_\_\_\_\_ DATE 4/22/08

JOHN A. ZACCARO

*Plaintiff*

v.

Civil Action No.: 08-Civ-3138 (PKC)

*HASU P. SHAH, KIRAN P. PATEL,  
AFFORDABLE HOSPITALITY  
ASSOCIATES, L.P., AFFORDABLE  
HOSPITALITY, INC., HERSHA  
HOSPITALITY TRUST, HERSHA  
ENTERPRISES, LTD., NISH CAPITAL,  
INC., 3344 ASSOCIATES, L.P., JOHN  
AND MARY DOE DEFENDANTS 1-10,  
AND DOE CORPORATION  
DEFENDANTS 1-10*

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

*Defendants*

Pursuant to Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, I, Edward A. Fleck, Esquire, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac vice* of:

Applicant's Name: *Evan A. Blaker, Esquire*

Firm Name: *BYLER & BLAKER, LLC*

Address: *Penn Mutual Towers, 510 Walnut Street, 9<sup>th</sup> Floor*

City/State/Zip: *Philadelphia, PA 19106*

Phone Number: *(215) 238-9300*

Fax: *(215) 238-9301*

APR 22 2008  
2008 CIV 3138  
4/22/08  
FILED COURT

*Evan A. Blaker, Esquire* is a member in good standing of the Bar of the Supreme Court of the Commonwealth of Pennsylvania and the Bar of the Supreme Court of the State of New Jersey. There is no pending disciplinary proceedings against Evan A. Blaker, Esquire in any State or Federal court.

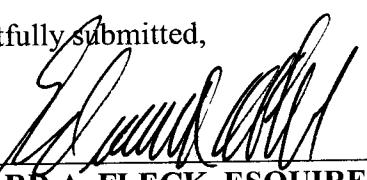
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Dated: April 21, 2008

City, State: Garden City, New York

Respectfully submitted,

BY:

  
**EDWARD A. FLECK, ESQUIRE**  
SDNY Bar No. 3469  
**FLECK, FLECK & FLECK**  
**1205 Franklin Avenue, Suite 300**  
**Garden City, New York 11530-5774**  
**Telephone: 516-742-5200**  
**Fax: 516-248-1085**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<i>JOHN A. ZACCARO</i>	:	
Plaintiff,	:	
	:	
<i>v.</i>	:	Civil Action No.: 08-Civ-3138 (PKC)
	:	
<i>HASU P. SHAH, KIRAN P. PATEL, AFFORDABLE HOSPITALITY ASSOCIATES, L.P., AFFORDABLE HOSPITALITY, INC., HERSHA HOSPITALITY TRUST, HERSHA ENTERPRISES, LTD., NISH CAPITAL, INC., 3344 ASSOCIATES, L.P., JOHN AND MARY DOE DEFENDANTS 1-10, AND DOE CORPORATION DEFENDANTS 1-10</i>	:	<b>AFFIDAVIT OF EDWARD A. FLECK, ESQUIRE IN SUPPORT OF MOTION TO ADMIT COUNSEL PRO HAC VICE</b>
	:	
	:	
<i>Defendants.</i>	:	
	:	
State of New York	)	
	)	ss.
County of Nassau	)	

Edward A. Fleck, Esquire, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Fleck, Fleck & Fleck, counsel for Defendants in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Evan A. Blaker, Esquire as counsel *pro hac vice* to represent Defendants in this matter.
2. I am a member of good standing of the bar of the State of New York, and was admitted to practice law on January 19, 1983. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. Mr. Blaker is a member in good standing of the Bar of the Supreme Court of Pennsylvania, admitted in 1989 (see Exhibit "A") and of the Bar of the Supreme Court of New Jersey, admitted 1991 (see Exhibit 'B"). Mr. Blaker is also admitted to the Bar of the United States District Court for the Eastern

District of Pennsylvania, the Bar of the United States District Court for the Middle District of Pennsylvania, the Bar of the United States District Court for the District of New Jersey, and the Bar of the United States Court of Appeals for the Third Circuit which he is a member of good standing in each.

4. I have known Evan A. Blaker, Esquire since 2005.
5. Evan A. Blaker, Esquire is a member of Byler & Blaker, LLC.
6. I have found Evan A. Blaker, Esquire to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
7. I am therefore pleased to move the admission of Evan A. Blaker, Esquire, *pro hac vice*.
8. I respectfully submit a proposed order granting the admission of Evan A. Blaker *pro hac vice*, which is attached hereto as Exhibit "C."

WHEREFORE, it is respectfully requested that the Motion to admit Evan A. Blaker, Esquire, *pro hac vice*, to represent Defendants in the above-captioned matter, be granted.

Dated: April 21, 2008

City, State: Garden City, New York

Respectfully submitted,

BY: \_\_\_\_\_

EDWARD A. FLECK, ESQUIRE  
SDNY Bar No.  
FLECK, FLECK & FLECK  
1205 Franklin Avenue, Suite 300  
Garden City, New York 11530-5774  
Telephone: 516-742-5200  
Fax: 516-248-1085

SWORN TO Before  
me this 21st day  
of April, 2008

  
NOTARY

PATRICIA A. FLECK  
Notary Public, State of New York  
No. 01FL4843824  
Qualified in Nassau County  
Commission Expires August 31, 2009

**EXHIBIT "A"**



Supreme Court of Pennsylvania

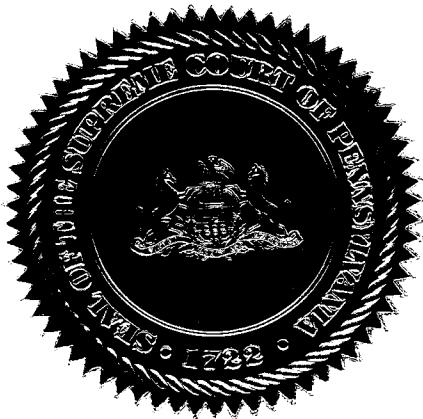
**CERTIFICATE OF GOOD STANDING**

***Evan A. Blaker, Esq.***

**DATE OF ADMISSION**

***November 27, 1989***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: April 10, 2008**

Patricia A. Johnson  
Chief Clerk

**EXHIBIT "B"**

# Supreme Court of New Jersey

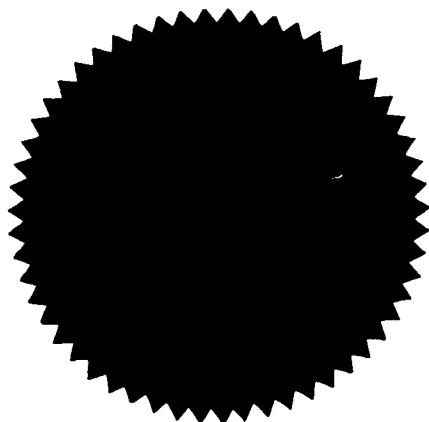


## Certificate of Good Standing

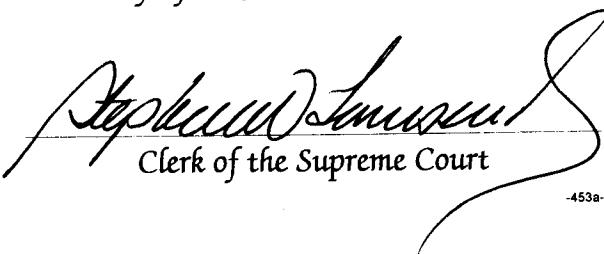
This is to certify that **EVAN A BLAKER**  
(No. **046771990**) was constituted and appointed an Attorney at Law of New Jersey on **January 29, 1991** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.*



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Supreme Court, at Trenton, this 10TH day of April , 20 08

  
Stephen J. Cammilleri  
Clerk of the Supreme Court

**EXHIBIT “C”**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<i>JOHN A. ZACCARO</i>	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.: 08-Civ-3138 (PKC)
	:	
<i>HASU P. SHAH, KIRAN P. PATEL, AFFORDABLE HOSPITALITY ASSOCIATES, L.P., AFFORDABLE HOSPITALITY, INC., HERSHA HOSPITALITY TRUST, HERSHA ENTERPRISES, LTD., NISH CAPITAL, INC., 3344 ASSOCIATES, L.P., JOHN AND MARY DOE DEFENDANTS 1-10, DOE CORPORATION DEFENDANTS 1-10</i>	:	<b>ORDER</b>
	:	
Defendants.	:	

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Upon the motion of Edward A. Fleck, Esquire, attorney for Defendants and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that:

Applicant's Name: *Evan A. Blaker, Esquire*

Firm Name: *Byler & Blaker, LLC*

Address: *Penn Mutual Towers, 510 Walnut Street, 9<sup>th</sup> Floor*

City/State/Zip: *Philadelphia, PA 19106*

Telephone/Fax: *(215) 238-9300 / (215) 238-9301*

Email Address: *eblaker@bylerblaker.com*

is admitted to practice *pro hac vice* as counsel for Defendants in the above captioned case in the United States District Court for the Southern District of New York. All attorneys

appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: April \_\_, 2008

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**United States District Judge**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

<i>JOHN A. ZACCARO</i>	:	
		<i>Plaintiff,</i>
		:
		v.
		:
		Civil Action No.: 08-Civ-3138 (PKC)
		:
<i>HASU P. SHAH, KIRAN P. PATEL, AFFORDABLE HOSPITALITY ASSOCIATES, L.P., AFFORDABLE HOSPITALITY, INC., HERSHA HOSPITALITY TRUST, HERSHA ENTERPRISES, LTD., NISH CAPITAL, INC., 3344 ASSOCIATES, L.P., JOHN AND MARY DOE DEFENDANTS 1-10, AND DOE CORPORATION DEFENDANTS 1-10</i>	:	<b>CERTIFICATE OF SERVICE</b>
		:
		<i>Defendants.</i>

I, Edward A. Fleck, Esquire, counsel for Defendants, hereby certify that a true and correct copy of the foregoing Motion to Admit Evan A. Blaker, Esquire Pro Hac Vice was served upon the following individuals via Federal Express Overnight delivery on April, 21, 2008.

Eli J. Rogers, Esquire  
DREIFUSS BONACCI & PARKER, LLP  
26 Columbia Turnpike  
North Entrance  
Florham Park, NJ 07932

FLECK, FLECK & FLECK

BY:

EDWARD A. FLECK, ESQUIRE